Claims 1-9, 11-42, 44-77, 79-104, 112, and 120 were pending and stand rejected. Claims 30, 65, 100, 104, 112, and 120 have been amended.

CLAIMS 1, 34, and 69

Claims 1-9, 11-16, 25, 34-42, 44-50, 60, 69-77, 79-85, and 95 remain rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Zhao in view of Weaver. Applicant respectfully traverses.

Claim 1, which has not been amended, recites:

A system for editing a project comprising a plurality of media clips, comprising:
   an output device for displaying a timeline display, the timeline display comprising:
      an overview layer comprising first editable representations of at least a subset of the plurality of media clips that comprise the project, wherein the overview layer is oriented along an axis representing time, and wherein each first editable representation has a dimension along the first axis representing the temporal length of the media clip; and
      for each media clip, a track comprising a second editable representation of the media clip, wherein the track is oriented along the axis representing time, and wherein the second editable representation has a dimension along the first axis representing the temporal length of the media clip, and wherein the track and the overview layer are concurrently displayed; and
   an input device for receiving user input for editing the representations of the media clips and for controlling the timeline display, wherein editing a representation of a media clip manipulates the media clip.

As recited in claim 1, a "project" comprises a plurality of media clips (¶40). A system for editing the project comprises an output device (for displaying a timeline display) and an input device (for receiving user input). The timeline display (¶¶48-50; see element 403 in FIG. 5) comprises an overview layer (¶48; see element 400 in FIG. 5) and, for each media clip, a track (¶48; see elements 500A, 500B, 500C, 500D in FIG. 5). The overview layer and tracks each comprise an editable representation of a media clip (¶48; see elements 401A, 401B, 401C, 401D in FIG. 5). The overview layer and tracks, which are concurrently displayed, are each oriented along an axis

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representing time. Each editable representation has a dimension along the first axis representing the temporal length of the media clip.

The input device is used to edit a representation of a media clip, and editing a representation of a media clip manipulates the media clip itself (¶48). For example, by manipulating editable representations of clips, a user can organize clips to begin and end on selected frames (¶40). The user can also control clips' durations and perform trim operations to edit the clips (¶40). The user can interact with editable representations of clips to lengthen or shorten clips, move clips around, edit clips, or delete clips (¶47).

The hypothetical combination of Zhao and Weaver does not disclose, teach, or suggest this claim language.

<u>Zhao</u> – Applicant agrees with the Examiner that Zhao does not disclose the first representations are editable wherein editing a representation of a media clip manipulates the media clip. (Detailed Action, p. 3). Further, Zhao does not disclose "an overview layer . . . and for each media clip, a track . . . wherein the track and the overview layer are <u>concurrently displayed</u>" (emphasis added).

<u>Weaver</u> – The Examiner argues that Weaver makes it "obvious" to concurrently display Zhao's timeline pane (alleged "overview layer") and layer pane (alleged "track") (Detailed Action, p. 4). Specifically, the Examiner asserts that Weaver's sub-timeline (also referred to as a nested source 506 or a container) and Weaver's event are concurrently displayed (Detailed Action, p. 4). The Examiner argues that the concurrent display of Weaver's sub-timeline and Weaver's event suggest the concurrent display of Zhao's timeline pane and Zhao's layer pane.

Applicant disagrees. Even if Weaver's sub-timeline and Weaver's event were concurrently displayed, there is no reason to analogize them to Zhao's timeline pane and layer pane. Weaver's sub-timeline (element 506 in FIG. 5B) and Zhao's timeline pane (element 300 in

FIG. 3) do not look similar, nor do they serve a similar purpose. Weaver's event (elements 502, 503, 504 in FIG. 5B) and Zhao's layer pane (element 400 in FIG. 4) also do not look similar or serve a similar purpose. It follows that concurrent display of a sub-timeline and an event cannot suggest concurrent display of a timeline pane and a layer pane.

Therefore, claim 1 is not obvious over Zhao in view of Weaver. Claims 34 and 69 recite similar language and are therefore also not obvious over Zhao in view of Weaver.

The Examiner also argues that Weaver teaches an overview layer that is concurrently displayed with a track (Detailed Action, pp. 4 and 23). Applicant disagrees.

Weaver discusses a non-linear editing system (title). A timeline 401 is made up of a sequence of tracks 402, and each track 402 is made up of a sequence of events 403 comprised of video or other source material (¶43; FIG. 4). An event 403 can comprise a sub-timeline, which collapses a series of events 403 into a single container or source, called a "nested source" (¶63). The Examiner argues that Weaver's sub-timeline 505 ('V2') corresponds to the claimed element "overview layer" and that Weaver's event 502, 503, 504 corresponds to "second editable representations of clips" (Detailed Action, p. 4). To further illustrate Applicant's understanding of the Examiner's assertions, the following table is utilized:

Claim 1	Zhao / Weaver
an **overview layer** comprising	Zhao: Timeline pane (Detailed Action, p. 3) Weaver: Figure 5B 'V2' (Sub-timeline 505) (Detailed Action, p. 3)
first editable representations of at least a subset of the plurality of media clips that comprise the project . . . ; and	Zhao: "timeline pane which displays all tracks of a video story in the time sequence which they appear to construct the overall layout of the video story." (Detailed Action, p. 3) Weaver: Figure 5B 'V2' [events 502, 503, and 504] (Detailed Action, p. 3)
for each media clip, **a track** comprising	Zhao: "layer pane which includes all the layers of a selected video clip (Column 4, lines 31-60)" (Detailed Action, p. 3)

representation of a media clip) is shown twice – once within overview layer 400 and once within track 500A. Also, the two representations are displayed concurrently.

In Weaver, if we assume, *arguendo,* that events 502, 503, and 504 correspond to the claimed element "first editable representations," then it follows that "a second editable representation of the media clip" **cannot also correspond** to the same events 502, 503, and 504. To argue otherwise is to count the same events 502, 503, and 504 twice as separate editable representations, which is not disclosed by Weaver. In the example of FIG. 5A, Weaver discloses that a Timeline 501 includes "three discrete events 502, 503, and 504." (¶64). Weaver further teaches that "events 502, 503, and 504 are moved to a Sub-Timeline 505, wherein the Timeline 501 contains only the nested source 506." (¶64). However, "the nested source 506 always refers back to the original source material; if the original source material has changed, the nested source 506 is updated automatically." (¶66). Events 502, 503, and 504 may only correspond, therefore, to either "first editable representations" or "second editable representation," but not both because the original source material, the events 502, 503, and 504, exist as only one set of editable representations as described by Weaver. Thus, assuming that events correspond to "first editable representations," the claimed element "second editable representation" is not disclosed by Weaver.

As a result, Examiner fails to disclose tracks comprising second editable representations that are concurrently displayed with an overview layer comprising first editable representations. Zhao merely discloses a layer pane that displays all the layers in a selected clip. Zhao, col. 4, ll. 31-45. However, this layer pane (the alleged "track") is not displayed concurrently with the timeline pane (the alleged "overview layer"). Zhao, col. 6, ll. 2-14. At best, Weaver discloses a sub-timeline comprising events, as illustrated in FIG. 5B. Events, as described above, do not correspond to tracks, but instead correspond to first or second editable representations of media

clips. Further, Examiner argues that a sub-timeline corresponds to an overview layer, meaning that the sub-timeline cannot correspond to a track.

Thus, Weaver does not disclose, teach, or suggest the claimed element "an output device for displaying a timeline display, the timeline display comprising: an overview layer …; and for each media clip, a track comprising a second representation of the media clip." It follows that Weaver also does not disclose, teach, or suggest the claimed element "an output device for displaying a timeline display, the timeline display comprising: an overview layer …; and for each media clip, a track … wherein <u>the track and the overview layer are concurrently displayed</u>" (emphasis added).

Since Weaver does not show the track and overview layer being concurrently displayed, Weaver cannot provide motivation for Zhao's alleged overview layer and track to be concurrently displayed.

Therefore, claim 1 is not obvious over Zhao in view of Weaver. Claims 34 and 69 recite similar language and are therefore also not obvious over Zhao in view of Weaver.

CLAIMS 30, 65, and 100

Claims 30-33, 65-68, and 100-103 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Editing Techniques with Final Cut Pro by Michael Wohl ("Wohl"). Applicants respectfully traverse in view of the amended claims.

On June 10, 2009, the undersigned attorney conducted a telephonic interview with Examiner Abdul-Ali and Supervisory Patent Examiner Vu to discuss claim 30 (as amended herein) and the Wohl reference. The content of that discussion is contained herein.

As amended, claim 30 recites:

A system for editing a project comprising a plurality of media clips, comprising an output device for displaying:

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a canvas, comprising a representation of the project, wherein if the project is being played the representation of the project shows the project as the project is playing, and wherein if the project is not being played the representation of the project comprises a plurality of selectable and spatially movable representations of the plurality of media clips that comprise the project, and wherein a location of a spatially movable representation represents where the media clip is displayed within the project when the project is playing; and

a timeline display representing a duration of the project, the timeline display comprising, for each currently selected representation of a media clip in the canvas, a corresponding timeline representation of the media clip;

wherein the timeline representation is displayed when the corresponding spatially movable representation is selected, and wherein the timeline representation is absent when the corresponding spatially movable representation is not selected.

As recited in claim 30, a "project" comprises a plurality of media clips, a "canvas" comprises a representation of the project, and a "timeline display" represents a duration of the project (¶¶82-86; see element 1601 in FIGS. 16 and 19 and element 1603 in FIGS. 16 and 17). When at least one spatially movable representation is selected, the corresponding timeline representation is displayed. (¶83). When no spatially movable representation is selected, the corresponding timeline representation is absent. (¶86). For example, the text object "tanzania" in FIG. 16 (shown surrounded by a rectangle with four circles) is selected in FIG. 16, and a timeline representation of the text object, shown as a rectangle with the word "tanzania" enclosed within the rectangle, is displayed. In contrast, because the text object "tanzania" is not selected in FIG. 19, the timeline representation of "tanzania" of FIG. 16 is absent in FIG. 19.

Claim 30 recites, in part, "wherein the timeline representation is displayed when the corresponding spatially movable representation is selected, and wherein the timeline representation is absent when the corresponding spatially movable representation is not selected" (emphasis added). The hypothetical combination of Wohl and Official Notice does not disclose, teach, or suggest this claimed element.

Wohl describes editing techniques in Final Cut Pro, a video editing application, as of 2001. Applicants agree with Examiner that although Wohl shows a timeline (Compositing, page

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5), Wohl does not explicitly disclose activating and deactivating the timeline display based on the selection. (Detailed Action, p. 21). Wohl also does not disclose, teach, or suggest a <u>timeline representation of a media clip</u> that is displayed or is absent based on whether a corresponding <u>spatially movable representation of the media clip</u> is selected or is not selected, respectively.

During the interview, Examiner Abdul-Ali and Supervisory Patent Examiner Vu agreed that Wohl does not disclose "wherein the timeline representation is displayed when the corresponding spatially movable representation is selected, and wherein the timeline representation is absent when the corresponding spatially movable representation is not selected."

Returning to the Office Action, Examiner took Official Notice in asserting that "it is old and well known in the computer arts to activate and deactivate interface elements based on the selection of objects." (Detailed Action, p. 21). As an example, Examiner notes that "when a picture object is selected in Microsoft Word, an edit menu is displayed which supports multiple commands."

The example provided by Examiner does not disclose an interface element (such as a corresponding timeline representation of a media clip) being displayed in response to selection of a spatially movable representation of the media clip in a canvas, as claimed. Applicants request Examiner to provide a prior art reference that discloses this feature and a motivation to combine such a reference with Wohl.

Thus, the hypothetical combination of Wohl and Official Notice does not disclose "wherein the timeline representation is displayed when the corresponding spatially movable representation is selected, and wherein the timeline representation is absent when the corresponding spatially movable representation is not selected."

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Therefore, claim 30 is not obvious over Wohl in view of the Official Notice, alone or in combination. Claims 65 and 100 recite similar language and are therefore also not obvious over Wohl in view of the Official Notice.

CLAIMS 104, 112, and 120

Claims 104, 112, and 120 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Zhao in view of Fasciano further in view of Reder. Applicant respectfully traverses in view of the amended claims.

As amended, claim 104 recites:

In a media editing application, a method of moving a video clip to a destination location, wherein a second video clip already exists at the destination location, comprising:
> receiving a user command to drag the video clip to the destination location; and
> displaying, in response to receiving the user command and in response to no time period having been selected, a drop menu comprising a plurality of commands for integrating the dragged media clip at the destination location, wherein the plurality of commands includes at least one of a composite command and an exchange command;

wherein the composite command composites the dragged video clip with the second video clip such that both the dragged video clip and the second video clip are played simultaneously **and the dragged video clip is superimposed over the second video clip**; and wherein the exchange command:
> replaces the entire second video clip with the entire dragged video clip responsive to the second video clip having a length equal to the length of the dragged video clip;
> replaces the entire second video clip with a portion of the dragged video clip having a length equal to the length of the second video clip responsive to the second video clip having a length less than the length of the dragged video clip; and
> replaces a portion of the second video clip having a length equal to the length of the dragged video clip with the entire dragged video clip responsive to the second video clip having a length greater than the length of the dragged video clip.

As recited in claim 104, "a method of moving a video clip to a destination location" includes receiving a user command to drag the clip to the destination location. In response to receiving the user command and in response to no time period having been selected, a drop menu is displayed. The drop menu comprises a plurality of commands that enables the user to choose how to integrate the dragged media clip at the destination location. The plurality of commands

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can include a composite command (¶59) and an exchange command (¶63). The composite command composites the dragged video clip with the second video clip such that both the dragged video clip and the second video clip are played simultaneously, and the dragged video clip is superimposed over the second video clip (¶59; FIG. 9, element 902).

The exchange command changes its behavior based on the length of the dragged video clip and the length of the second video clip (¶63). Specifically, if the clips are of equal length, then the exchange command replaces the entire second video clip with the entire dragged video clip. If the dragged video clip is longer than the second video clip, then the exchange command replaces the entire second video clip with a portion of the dragged video clip having a length equal to the length of the second video clip. If the second video clip is longer then the dragged video clip, then the exchange command replaces a portion of the second video clip having a length equal to the length of the dragged video clip with the entire dragged video clip.

Zhao, Fasciano, and Reder do not disclose, teach, or suggest the claimed element "displaying, in response to receiving the user command and in response to no time period having been selected, a drop menu comprising a plurality of commands for integrating the dragged media clip at the destination location, wherein the plurality of commands includes at least one of a composite command and an exchange command" wherein "the composite command composites the dragged video clip with the second video clip such that both the dragged video clip and the second video clip are played simultaneously and the dragged video clip is superimposed over the second video clip" and wherein "the exchange command: replaces the entire second video clip with the entire dragged video clip responsive to the second video clip having a length equal to the length of the dragged video clip; replaces the entire second video clip with a portion of the dragged video clip having a length equal to the length of the second video clip responsive to the second video clip having a length less than the length of the dragged

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video clip; and replaces a portion of the second video clip having a length equal to the length of the dragged video clip with the entire dragged video clip responsive to the second video clip having a length greater than the length of the dragged video clip" (emphasis added).

Zhao, Reder – Applicant agrees with Examiner that neither Zhao nor Reder discloses, teaches, or suggests the claimed element "displaying in response to receiving the user command, a drop menu comprising a plurality of commands for integrating the dragged media clip at the destination location." (Detailed Action, p. 15).

Fasciano – Applicant agrees with Examiner that Fasciano does not explicitly disclose "the composite command composites the dragged media clip with the second media clip such that both the dragged media clip and the second media clip are played simultaneously." (Detailed Action, p. 15). Fasciano also does not disclose, teach, or suggest playing two video clips simultaneously, let alone playing the dragged video clip and the second video clip simultaneously, the dragged video clip superimposed over the second video clip.

Composite command – Taking Official Notice, Examiner asserts that "it is old and well known in the computer arts to play composited tracks simultaneously through the use of crossfading." (Detailed Action, p. 15).

The example provided by Examiner of "crossfading" tracks does not disclose Claim 104, which has been amended to recite "wherein the composite command composites the dragged video clip with the second video clip such that both the dragged video clip and the second video clip are played simultaneously and the dragged video clip is superimposed over the second video clip" (emphasis added). Applicant requests Examiner to provide a prior art reference that discloses this feature and a motivation to combine such a reference with Zhao, Fasciano, and Reder.

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Exchange command – Examiner also argues that Fasciano's various replace editing modes described in col. 12, ll. 10-37 correspond to the claimed element "exchange command" (Detailed Action, p. 16). As amended, claim 104 recites a "dragged video clip" and a "second video clip." Fasciano, on the other hand, limits the various replace editing modes to audio clips. Fasciano, Abstract ("The invention disclosed herein is a digital audio workstation for the audio portions of video programs.") Therefore, Fasciano cannot disclose the element "exchange command," as claimed.

Thus, Fasciano does not disclose, teach, or suggest the claimed element "displaying, in response to receiving the user command and in response to no time period having been selected, a drop menu comprising a plurality of commands for integrating the dragged media clip at the destination location, wherein the plurality of commands includes at least one of a composite command and an exchange command" wherein "the composite command composites the dragged video clip with the second video clip such that both the dragged video clip and the second video clip are played simultaneously and the dragged video clip is superimposed over the second video clip" and wherein "the exchange command: replaces the entire second video clip with the entire dragged video clip responsive to the second video clip having a length equal to the length of the dragged video clip; replaces the entire second video clip with a portion of the dragged video clip having a length equal to the length of the second video clip responsive to the second video clip having a length less than the length of the dragged video clip; and replaces a portion of the second video clip having a length equal to the length of the dragged video clip with the entire dragged video clip responsive to the second video clip having a length greater than the length of the dragged video clip" (emphasis added).

Therefore, claim 104 (as amended) is patentable over Zhao, Fasciano, and Reder, alone and in combination. Claims 112 and 120 (as amended) recite similar language and are therefore also patentable over Zhao, Fasciano, and Reder, alone and in combination.

OTHER CLAIMS

Claims 17-24, 51-59, and 86-94 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Zhao in view of Weaver further in view of Fasciano. Claims 26-29, 61-64, and 96-99 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Zhao in view of Weaver further in view of Foreman.

Applicant respectfully traverses. In addition, Applicant traverses the Examiner's assertions regarding the disclosures of Zhao, Weaver, Fasciano, and Foreman and the motivation to combine Zhao, Weaver, and Fasciano; and Zhao, Weaver, and Foreman.

The claims not specifically mentioned above depend from their respective base claims, which were shown to be patentable over Zhao in view of Weaver, Wohl in view of Official Notice, and Zhao in view of Fasciano further in view of Reder further in view of Official Notice. In addition, these claims recite other features not included in their respective base claims. Thus, these claims are patentable for at least the reasons discussed above, as well as for the elements that they individually recite.

Applicant respectfully submits that the pending claims are allowable over the cited art of record and requests that the Examiner allow this case. The Examiner is invited to contact the undersigned in order to advance the prosecution of this application.

Respectfully submitted,
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Dated: <u>June 25, 2009</u>   By: <u>/Sabra-Anne R. Truesdale/</u>

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